

HOUSE JOURNAL

EIGHTY-SECOND LEGISLATURE, REGULAR SESSION

PROCEEDINGS

TENTH DAY — THURSDAY, JANUARY 27, 2011

The house met at 10 a.m. and was called to order by the speaker.

The roll of the house was called and a quorum was announced present (Record 33).

Present — Mr. Speaker; Aliseda; Allen; Alonzo; Alvarado; Anchia; Anderson, C.; Anderson, R.; Aycock; Beck; Berman; Bohac; Branch; Brown; Burkett; Burnam; Button; Cain; Callegari; Carter; Castro; Chisum; Christian; Coleman; Cook; Craddick; Creighton; Crownover; Darby; Davis, J.; Davis, Y.; Deshotel; Driver; Dukes; Dutton; Eiland; Eissler; Elkins; Farias; Farrar; Fletcher; Flynn; Frullo; Gallego; Garza; Geren; Giddings; Gonzales, L.; Gonzales, V.; Gonzalez; Gooden; Guillen; Gutierrez; Hamilton; Hancock; Hardcastle; Harper-Brown; Hartnett; Hilderbran; Hochberg; Hopson; Howard, C.; Howard, D.; Huberty; Hughes; Hunter; Isaac; Jackson; Johnson; Keffer; King, P.; King, S.; King, T.; Kolkhorst; Kuempel; Landtroop; Larson; Laubenberg; Lavender; Legler; Lewis; Lozano; Lucio; Lyne; Madden; Mallory Caraway; Margo; Marquez; Martinez; Martinez Fischer; McClendon; Menendez; Miles; Miller, S.; Morrison; Muñoz; Murphy; Naishtat; Nash; Oliveira; Orr; Otto; Parker; Patrick; Paxton; Peña; Perry; Phillips; Pickett; Pitts; Price; Quintanilla; Raymond; Reynolds; Riddle; Ritter; Rodriguez; Schwertner; Scott; Sheffield; Shelton; Simpson; Smith, W.; Smithee; Strama; Taylor, L.; Taylor, V.; Thompson; Torres; Truitt; Turner; Veasey; Villarreal; Vo; Walle; Weber; White; Woolley; Workman; Zedler; Zerwas.

Absent, Excused — Hernandez Luna; Kleinschmidt; Miller, D.; Smith, T.; Solomons.

Absent — Bonnen; Davis, S.; Harless; Sheets.

The invocation was offered by Reverend John E. Fields, pastor, First Shiloh Missionary Baptist Church, Houston, as follows:

Dear Heavenly Father, we come with expectations of being ushered into your presence. May our hearts illuminate with thankfulness and our spirits remain humble in your presence. We pray for divine engagement in our lives that they will be regulated for great works. Forgive us of all our transgressions that might inhibit you from giving divine provisions of wisdom and understanding which are needed so that we may serve your people with the spirit of joy.

Enhance our abilities to confront the tasks before us and bless us to be able to greet challenge as a friend. Strengthen this body of individuals that they may be guided into a spirit of unity which will reflect a team of working together to

obtain the best. Bless our nation, our state, our communities, and districts which are represented here. Bless our going and coming. We petition you in the name of Jesus the Christ. Amen.

The speaker recognized Representative Larson who led the house in the pledges of allegiance to the United States and Texas flags.

LEAVES OF ABSENCE GRANTED

The following members were granted leaves of absence for today because of important business in the district:

Hernandez Luna on motion of Walle.

Kleinschmidt on motion of Hopson.

Solomons on motion of Truitt.

(Phillips in the chair)

HR 219 - ADOPTED (by Lewis)

Representative Lewis moved to suspend all necessary rules to take up and consider at this time **HR 219**.

The motion prevailed.

The following resolution was laid before the house:

HR 219, Commemorating the dedication of the Salvador M. Guerrero Senior Center in Odessa.

HR 219 was adopted.

CAPITOL PHYSICIAN

The chair recognized Representative Beck who presented Dr. Mary Helen Morrow of North Zulch as the "Doctor for the Day."

The house welcomed Dr. Morrow and thanked her for her participation in the Physician of the Day Program sponsored by the Texas Academy of Family Physicians.

(S. Davis and Sheets now present)

LEAVE OF ABSENCE GRANTED

The following member was granted leave of absence for the remainder of today because of important business in the district:

Allen on motion of Martinez.

RESOLUTIONS ADOPTED

Representative Geren moved to suspend all necessary rules to take up and consider at this time **HCR 43** and **HCR 44**.

The motion prevailed.

The following resolutions were laid before the house:

HCR 43 (by Geren), Inviting the chief justice of the Supreme Court of Texas to address a joint session of the legislature on February 23, 2011.

HCR 44 (by Geren), Inviting the governor to address a joint session of the legislature on February 8, 2011.

The resolutions were adopted by (Record 34): 138 Yeas, 0 Nays, 1 Present, not voting.

Yeas — Aliseda; Alonzo; Alvarado; Anchia; Anderson, C.; Anderson, R.; Aycock; Beck; Berman; Bohac; Branch; Brown; Burkett; Burnam; Button; Cain; Callegari; Carter; Castro; Chisum; Coleman; Cook; Craddick; Creighton; Crownover; Darby; Davis, J.; Davis, S.; Davis, Y.; Deshotel; Driver; Dukes; Dutton; Eiland; Eissler; Farias; Farrar; Fletcher; Flynn; Frullo; Gallego; Garza; Geren; Giddings; Gonzales, L.; Gonzales, V.; Gonzalez; Gooden; Guillen; Gutierrez; Hamilton; Hancock; Hardcastle; Harper-Brown; Hartnett; Hilderbran; Hochberg; Hopson; Howard, C.; Howard, D.; Huberty; Hughes; Hunter; Isaac; Jackson; Johnson; Keffer; King, P.; King, S.; King, T.; Kolkhorst; Kuempel; Landtroop; Larson; Laubenberg; Lavender; Legler; Lewis; Lozano; Lucio; Lyne; Madden; Mallory Caraway; Margo; Marquez; Martinez; Martinez Fischer; McClendon; Menendez; Miles; Miller, S.; Morrison; Muñoz; Murphy; Naishtat; Nash; Oliveira; Orr; Otto; Parker; Patrick; Peña; Perry; Phillips(C); Pickett; Pitts; Price; Quintanilla; Raymond; Reynolds; Riddle; Ritter; Rodriguez; Schwertner; Scott; Sheets; Sheffield; Shelton; Simpson; Smith, W.; Smithee; Strama; Taylor, L.; Taylor, V.; Thompson; Torres; Truitt; Turner; Veasey; Villarreal; Vo; Walle; Weber; White; Woolley; Workman; Zedler; Zerwas.

Present, not voting — Mr. Speaker.

Absent, Excused — Allen; Hernandez Luna; Kleinschmidt; Miller, D.; Smith, T.; Solomons.

Absent — Bonnen; Christian; Elkins; Harless; Paxton.

MESSAGE FROM THE SENATE

A message from the senate was received at this time (see the addendum to the daily journal, Messages from the Senate, Message No. 1).

HR 206 - ADOPTED (by Huberty)

Representative Huberty moved to suspend all necessary rules to take up and consider at this time **HR 206**.

The motion prevailed.

The following resolution was laid before the house:

HR 206, Congratulating the Atascocita High School women's soccer team for being invited to play in the 11th Annual Lady Governor's Cup and for receiving the Team Academic Award from the National Soccer Coaches Association of America.

HR 206 was read and was adopted.

HR 157 - ADOPTED
(by Dutton)

Representative Dutton moved to suspend all necessary rules to take up and consider at this time **HR 157**.

The motion prevailed.

The following resolution was laid before the house:

HR 157, Recognizing the Reverend John E. Fields of Houston as Pastor of the Day for the house of representatives on January 27, 2011.

HR 157 was read and was adopted.

On motion of Representative Miles, the names of all the members of the house were added to **HR 157** as signers thereof.

INTRODUCTION OF GUESTS

The chair recognized Representative Dutton who introduced Reverend John E. Fields and his wife, Tammy.

HR 201 - ADOPTED
(by Cain)

Representative Cain moved to suspend all necessary rules to take up and consider at this time **HR 201**.

The motion prevailed.

The following resolution was laid before the house:

HR 201, Recognizing January 2011 as Crime Stoppers Month and honoring Lamar County Crime Stoppers on the 25th anniversary of its founding.

(Speaker in the chair)

HR 201 was adopted.

SCR 8 - ADOPTED
(Cain - House Sponsor)

Representative Cain moved to suspend all necessary rules to take up and consider at this time **SCR 8**.

The motion prevailed.

The following resolution was laid before the house:

SCR 8, Granting the legislature permission to adjourn for more than three days during the period beginning on Wednesday, January 26, 2011, and ending on Monday, January 31, 2011.

LEAVES OF ABSENCE GRANTED

The following member was granted leave of absence for today because of important business in the district:

Harless on motion of Harper-Brown.

The following member was granted leave of absence for the remainder of today because of important business:

Christian on motion of Huberty.

SCR 8 - (consideration continued)

SCR 8 was adopted by (Record 35): 135 Yeas, 0 Nays, 1 Present, not voting.

Yeas — Aliseda; Alonzo; Alvarado; Anchia; Anderson, C.; Anderson, R.; Aycock; Beck; Berman; Bohac; Branch; Brown; Burkett; Burnam; Button; Cain; Callegari; Carter; Castro; Chisum; Coleman; Cook; Craddick; Creighton; Crownover; Darby; Davis, J.; Davis, S.; Davis, Y.; Deshotel; Driver; Dukes; Dutton; Eiland; Eissler; Elkins; Farias; Farrar; Fletcher; Flynn; Frullo; Gallego; Geren; Giddings; Gonzales, L.; Gonzales, V.; Gonzalez; Gooden; Guillen; Gutierrez; Hamilton; Hancock; Hardcastle; Harper-Brown; Hartnett; Hilderbran; Hochberg; Hopson; Howard, C.; Howard, D.; Huberty; Hughes; Hunter; Isaac; Jackson; Johnson; Keffer; King, P.; King, S.; King, T.; Kolkhorst; Kuempel; Landtroop; Larson; Laubenberg; Lavender; Legler; Lewis; Lozano; Lucio; Madden; Mallory Caraway; Margo; Marquez; Martinez; Martinez Fischer; McClendon; Miles; Miller, S.; Morrison; Muñoz; Murphy; Naishtat; Nash; Oliveira; Orr; Otto; Parker; Patrick; Paxton; Peña; Perry; Phillips; Pickett; Pitts; Price; Quintanilla; Reynolds; Riddle; Ritter; Rodriguez; Schwertner; Scott; Sheets; Sheffield; Shelton; Simpson; Smith, W.; Smithee; Strama; Taylor, L.; Taylor, V.; Thompson; Torres; Truitt; Turner; Veasey; Villarreal; Vo; Walle; Weber; White; Woolley; Workman; Zedler.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Allen; Christian; Harless; Hernandez Luna; Kleinschmidt; Miller, D.; Smith, T.; Solomons.

Absent — Bonnen; Garza; Lyne; Menendez; Raymond; Zerwas.

**HR 221 - ADOPTED
(by Peña)**

Representative Peña moved to suspend all necessary rules to take up and consider at this time **HR 221**.

The motion prevailed.

The following resolution was laid before the house:

HR 221, Recognizing January 27, 2011, as The University of Texas-Pan American Day at the State Capitol.

(Phillips in the chair)

HR 221 was read and was adopted.

On motion of Representative V. Gonzales, the names of all the members of the house were added to **HR 221** as signers thereof.

INTRODUCTION OF GUESTS

The chair recognized Representative Peña who introduced President Dr. Robert S. Nelsen and representatives of The University of Texas-Pan American.

HR 222 - ADOPTED
(by Peña)

Representative Peña moved to suspend all necessary rules to take up and consider at this time **HR 222**.

The motion prevailed.

The following resolution was laid before the house:

HR 222, Honoring Dr. Robert S. Nelsen, president of The University of Texas-Pan American, for his contributions to higher education in the Lone Star State.

HR 222 was read and was adopted.

ADJOURNMENT

Representative V. Gonzales moved that the house adjourn until 1 p.m. Monday, January 31 in memory of Nancy Davis of Monte Alto.

The motion prevailed.

The house accordingly, at 10:43 a.m., adjourned until 1 p.m. Monday, January 31.

ADDENDUM

MESSAGES FROM THE SENATE

The following messages from the senate were today received by the house:

Message No. 1

MESSAGE FROM THE SENATE
SENATE CHAMBER
Austin, Texas
Thursday, January 27, 2011

The Honorable Speaker of the House
House Chamber
Austin, Texas

Mr. Speaker:

I am directed by the senate to inform the house that the senate has taken the following action:

THE SENATE HAS PASSED THE FOLLOWING MEASURES:

SB 14 Fraser
Relating to requirements to vote, including presenting proof of identification; providing criminal penalties.

SCR 8 Whitmire SPONSOR: Cain
Granting the legislature permission to adjourn for more than three days during the period beginning on Wednesday, January 26, 2011, and ending on Monday, January 31, 2011.

Respectfully,
Patsy Spaw
Secretary of the Senate